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February 21, 2014

By ECF & Hand Delivery

Honorable Paul A. Engelmayer
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Themis Capital & Des Moines Investments Ltd. v. The Democratic Republic of Congo & the Central Bank of the Democratic Republic of Congo*, No. 09 Civ. 1652 (PAE)

Dear Judge Engelmayer:

On behalf of the parties, we write as directed in Your Honor's February 14, 2014 Order to apprise the Court of the status of the parties' efforts to reach agreement on the rates at which interest accrued under the Credit Agreement for the months following August 2003 – and derivatively, the parties' efforts to agree on the contents of PX 91 and 92.¹ We are pleased to report that the parties have reached agreement on the interest rate information for the months following August 2003 as set forth in the attached PX 91A and PX92A.² However, the Defendants have not had an opportunity to confirm the accuracy of the remaining calculations in these exhibits and therefore do not concede to the accuracy of those calculations. Furthermore, Defendants continue to object to Plaintiffs' contention that they are entitled to so-called Generation 2 and Generation 3+ interest under the Credit Agreement.

Plaintiffs have affidavits from the Servicing Bank and the Agent Bank that establish the provenance of the interest information that is not already in evidence. If the Court would like to review the affidavits, Plaintiffs will be happy to submit them.

¹ Interest rate information for each month from April 1990 through August 2003 was admitted into evidence through DX 12.

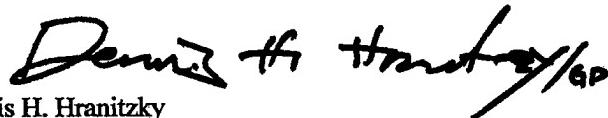
² PX 91A and PX 92A are identical to the versions of PX 91 and 92 Plaintiffs submitted with their amended exhibit list on February 7, 2014, except that they incorporate interest rates for October 2013 through January 2014. This information was not included in Plaintiffs' February 7, 2014, versions of PX 91 and PX 92 because Plaintiffs had been unable to obtain these interest rates from the Servicing Bank, Union Bank, as of that date.

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Respectfully submitted,

Dennis H. Hranitzky



cc: Douglas Mateyaschuk, Esq.
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